

REMARKS

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO/SB/08 A & B filed on January 22, 2004, thus indicating that all of the references listed thereon have been considered.

Election/Restriction:

Applicant thanks the Examiner for acknowledging Applicant's election of claims 26-30 without traverse.

Applicant has canceled non-elected claims 1-19 without prejudice or disclaimer, and reserves the right to pursue these claims in a divisional application.

New Claims:

Applicant has added claims 31-33, which correspond to original claims 27, 29 and 30. The original scope and spirit of claims 27, 29 and 30 has been maintained. These claims have not been narrowed in any way. For the reasons set forth below, Applicant submits that these claims are allowable over the prior art in their original form.

Claim Rejections:

Claims 26-30 are all of the claims that have been examined in the present application, and currently all of these claims stand rejected.

35 U.S.C. § 102(e) Rejection - Claims 26 and 28:

Claims 26 and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,321,012 to Shen. In view of the following discussion, Applicant respectfully traverses the above rejection.

Shen discloses an optical cable that contains at least one buffer tube with a plurality of individual optical fibers located within the tube. To aid in identifying the bundles, the bundles are wrapped with binder threads having different colors so as to allow optical fibers of a first fiber optic bundle to be distinguished from optical fibers of a second fiber optic bundle.

The binder threads are made of a material which is colored, and in order to distinguish between the fiber optic bundles, the binder threads may have a form of indicia, such as a number or a letter, to aid in the identification. Alternatively, the binder threads can have stripes with different colors or varying in number.

However, Shen fails to disclose a buffer tube comprising a plurality of optic fibers located within the tube and arranged in a plurality of fiber optic bundles, and a binder surrounding the fiber optic bundle, wherein the binder comprises a plurality of physically detectable features being detectable by an automated detection system during manufacture. *See* claim 26.

There is no indication, in Shen, that the markings used for the binders are detectable by an automated detection device. It is for at least this reason, that the disclosure of Shen fails to achieve the goals and benefits of the claimed invention.

In view of the foregoing, Applicant submits that Shen fails to disclose each and every feature of the claimed invention, as set forth in claim 26. Therefore, Shen fails to anticipate claim 26, as required under the provisions of 35 U.S.C. § 102(e). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 102(e) rejection of both claims 26 and 28.

35 U.S.C. § 103(a) Rejection - Claims 27 and 30:

Claims 27 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shen in view of U.S. Patent No. 6,498,881 to Thompson et al. In view of the following, Applicant hereby requests the Examiner reconsider and withdraw the above rejection of claims 27 and 30.

Applicant notes that each of the Shen and Thompson references qualify as prior art only under the provisions of 35 U.S.C. § 102(e). Further, Applicant notes that both the Shen and Thompson references, along with the present invention, were commonly owned by Alcatel at the time the present invention was made. Accordingly, under the provisions of 35 U.S.C. § 103(c) neither of the Shen or Thompson references may be used in a rejection of the claims of the present application under 35 U.S.C. § 103(a). Accordingly, Applicant submits that the above rejection is improper, and hereby requests the Examiner withdraw the above rejection.

With regard to new claims 31 and 33, Applicant submits that these claims are allowable for similar reasons.

AMENDMENT UNDER 37 C.F.R. §1.111
Application Number 10/761,389

Our Ref: A8708
Art Unit: 2874

35 U.S.C. § 103(a) Rejection - Claim 29:

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shen in view of U.S. Patent No. 6,243,519 to Ishikawa et al.

However, because Shen may not be used by the Examiner in a 35 U.S.C. § 103(a) rejection (see discussion above), Applicant submits that the above rejection is improper, and hereby requests the Examiner reconsider and withdraw the above rejection.

Further, Applicant submits that new claim 32 is also allowable.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

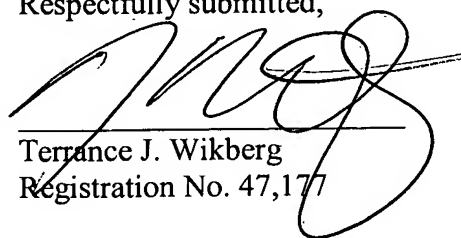
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